

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT COURT OF TEXAS
DALLAS DIVISION**

KANEKA CORPORATION,

Plaintiff,

v.

JBS HAIR, INC.; JINNY BEAUTY SUPPLY
Co., and UNO & COMPANY, LTD.,

Defendants.

CIVIL ACTION No. 3:10-cv-01430-P-BD

The Honorable Jorge A. Solis

STIPULATION & [PROPOSED] ORDER AMENDING SCHEDULING ORDER

WHEREAS, Plaintiff Kaneka Corporation filed its Complaint against Defendants JBS Hair, Inc., Jinny Beauty Supply Co., and UNO & Company, Ltd. on July 20, 2010;

WHEREAS, the Court entered a Scheduling Order governing this action on December 28, 2010 [Dkt. 46] (the “Scheduling Order”);

WHEREAS, the Court entered an Order Amending the Scheduling Order on March 21, 2011 [Dkt. 61];

WHEREAS, the Court entered an Amended Scheduling Order on March 31, 2011 [Dkt. 72];

WHEREAS, the Court entered a second Order Amending the Scheduling Order on April 18, 2011 [Dkt. 78];

WHEREAS, the Court entered a third Order Amending the Scheduling Order on June 28, 2011 [Dkt. 84];

WHEREAS, the Court granted Kaneka's Motion to add Jinny Beauty Supply Co., Inc. as a Defendant in this action on July 5, 2011 [Dkt. 85];

WHEREAS, the Court entered a fourth Order Amending the Scheduling Order on August 25, 2011 [Dkt. 89];

WHEREAS, the Court entered a fifth order Amending the Scheduling Order on February 27, 2012 [Dkt. 118];

WHEREAS, on May 25, 2012 the Court entered a Revised Scheduling Order [Dkt. 154];

WHEREAS, on August 27, 2012 the Court granted the parties Joint Motion to Amend Scheduling Order [Dkt. 168];

WHEREAS, on October 16, 2012, counsel for Kaneka informed counsel for Defendants that the former had learned that additional inventor notebooks had previously been inadvertently marked and incorrectly withheld as privileged, and produced those notebooks on the same day;

WHEREAS, as a result of the delayed production of the notebooks, the parties have agreed that (a) an additional fact deposition of the inventor who was the author and custodian of the notebooks regarding their contents is warranted, and (b) Defendants should be given an opportunity to supplement their invalidity expert report based solely upon any information learned from this deposition or the late produced notebook;

WHEREAS, the independent laboratory retained by Defendants to conduct testing relating to their rebuttal expert report experienced a series of accidental equipment damage;

WHEREAS, the recent hurricane Sandy has led to the loss of power to the office of Kaneka's technical expert, thus interrupting his work on Kaneka's rebuttal expert report;

WHEREAS, the parties have conferred and agreed that in order to accommodate the inventor's schedule for the additional deposition, and to allow additional time for the parties to

complete their respective rebuttal expert reports, it is appropriate to amend the Court's

Scheduling Order as follows:

Event	Current Due Date	Proposed change
Deadline to complete additional fact depositions	n/a	December 6, 2012
Deadline for UNO to Supplement Invalidity Report	n/a	December 14, 2012
Deadline for Serving Rebuttal Expert Reports	November 5, 2012	December 21, 2012
Deadline for Completing Expert Discovery	November 30, 2012	February 1, 2013
Deadline for Filing Dispositive Motions.	December 14, 2012	February 22, 2013

IT IS THEREFORE STIPULATED by and between the parties, through their respective attorneys of record, subject to approval of the Court, that the above proposed amendments to the schedule be made effective.

SO STIPULATED.

Dated: November 2, 2012

FENWICK & WEST LLP

/s/ Ryan J. Marton

Ryan J. Marton

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ATTORNEY ATTESTATION

I hereby attest that concurrence in the filing of this document has been obtained from the signatory indicated by a “conformed” signature (“/s/”) within this e-filed document.

/s/ Ryan J. Marton

Ryan J. Marton

[PROPOSED] ORDER

FOR GOOD CAUSE SHOWN, IT IS HEREBY ORDERED that the Scheduling Order is amended pursuant to the parties' stipulation.

Dated: November __, 2012

The Honorable Jorge A. Solis
UNITED STATES DISTRICT JUDGE